

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

KEIL & SCHAAFHAUSEN
PATENTANWÄLTE

PCT

To:

04. Okt. 2004

see form PCT/ISA/220

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.1)

Date of mailing

(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/EP2004/007153

International filing date (day/month/year)
01.07.2004

Priority date (day/month/year)
23.07.2003

International Patent Classification (IPC) or both national classification and IPC
C21C5/52

Applicant
OUTOKUMPU OYJ

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**International application No.
PCT/EP2004/007153

IAP20 Rec'd PCT/PTO 19 JAN 2006

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material:
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing:
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2004/007153

Box No. II Priority

1. ☒ The following document has not been furnished:

- ☒ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).
☐ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	3,11,12
	No: Claims	1, 2, 4,5,7,10, 13-18-21
Inventive step (IS)	Yes: Claims	3,11,12
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-21
	No: Claims	

2. Citations and explanations

see separate sheet

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

IAP20 Rec'd PCT/710 International application No. 19 JAN 2006
PCT/EP2004/007153

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following documents:

- D1: US-B-6 477 1951 (BERGER HARALD ET AL) 5 November 2002 (2002-11-05)
- D2: US-A-3 634 592 (PANTKE HEINZ-DIETER ET AL) 11 January 1972 (1972-01-11)
- D3: FR-A-2 681 937 (IRSID) 2 April 1993 (1993-04-02)
- D4: DE 196 08 530 A (EISENBAU ESSEN GMBH) 14 August 1997 (1997-08-14)
- D5: US-B-6 524 3621 (WELLS WILLIAM ET AL) 25 February 2003 (2003-02-25)
- D6: GB-A-1 226 593 (METALLGESELLSCHAFT) 31 March 1971 (1971-03-31)
- D7: FR-A-1 536 190 (METALLGESELLSCHAFT AG THE STEE) 27 August 1968 (1968-08-27)
- D8: US-A-4 514 218 (INAGAKI ETSUO) 30 April 1985 (1985-04-30)
- D9: GB-A-2 115 011 (BRITISH STEEL CORP) 1 September 1983 (1983-09-01)
- D10: US-A-3 385 494 (THEMELIS NICKOLAS J ET AL) 28 May 1968 (1968-05-28)
- D11: US-A-5 611 838 (FRITZ ERNST ET AL) 18 March 1997 (1997-03-18)
- D12: GB-A-1 193 527 (KUTZNETZOV) 3 June 1970 (1970-06-03)

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1,2,4,5,7,10,13-18 and 21 is not new in the sense of Article 33(2) PCT.

The document D1 discloses an apparatus and a method of feeding fine grained material into an EAF including all features of 1,2,4,5,7,10,13, 15 and 17.

The document D2 discloses all features of claims 10, 13-18 and 21.

The means for regulating the feeding stream as defined in apparatus claims 11 and 12 (and method claim 2) are not rendered obvious by the cited art and would appear to solve the problem referred to in the specification on p. 3.